

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JAMES PAPROCKI

Criminal No.

2:21-cr-259

FILED

JUN 10 2021

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

AND NOW comes the United States of America, by its attorneys, Stephen R.

Kaufman, Acting United States Attorney for the Western District of Pennsylvania, and Michael Leo Ivory, Assistant United States Attorney for said District, and submits this Information Memorandum to the Court:

I. THE INFORMATION

A one-count information was filed against the above-named defendant for an alleged violation of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
One	Conspiracy to Commit an Offense Against the United States From in and around 2010 until in and around April 2017	Title 18, United States Code, Section 371

II. ELEMENTS OF THE OFFENSE

A. As to Count One:

In order for the crime of conspiracy to commit offenses against the United States, in violation of 18 U.S.C. § 371, to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That two or more persons agreed to commit an offense against the United States, as charged in the information;
2. That JAMES PAPROCKI was a party to or member of that agreement;
3. That JAMES PAPROCKI joined the agreement or conspiracy knowing of its objective to commit an offense against the United States and intending to join together with at least one other alleged conspirator to achieve that objective; that is, that JAMES PAPROCKI and at least one other alleged conspirator shared a unity of purpose and the intent to achieve or, to commit an offense against the United States; and
4. That at some time during the existence of the agreement or conspiracy, at least one of its members performed an overt act in order to further the objectives of the agreement.

Third Circuit Model Criminal Jury Instruction 6.18.371A.

III. PENALTIES

A. As to Count One: Conspiracy to Commit an Offense Against the United States (18 U.S.C. § 371):

1. Individuals - The maximum penalties for individuals are:

- (a) imprisonment of not more than 5 years (18 U.S.C. § 371);
- (b) a fine not more than the greater of;
- (1) \$250,000 (18 U.S.C. § 3571(b)(3));

or

- (2) an alternative fine in an amount not more than the greater of twice the gross pecuniary gain to any person or twice the pecuniary loss to any person other than the defendant, unless the imposition of this alternative fine would unduly complicate or prolong the sentencing process (18 U.S.C. § 3571(d));
- (c) a term of supervised release of not more than three (3) years (18 U.S.C. § 3583);
- (d) Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

Not applicable in this case.

VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

STEPHEN R. KAUFMAN
Acting United States Attorney

/s/ Michael Leo Ivory _____

MICHAEL LEO IVORY
Assistant U.S. Attorney
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